

1 Kassra P. Nassiri (SBN 215405)
knassiri@nassiri-jung.com
2 D. Austin Hare (SBN 261694)
ahare@nassiri-jung.com
3 NASSIRI & JUNG LLP
251 Kearny Street, Suite 501
4 San Francisco, California 94108
Telephone Number: (415) 373-5699
5 Facsimile Number (415) 534-3200

6 Attorneys for Defendants LIU CHENG, INC., dba
7 MANDARIN GOURMET, SCOTT LIN, CHENG LI
CHIN,
8 LIN JEAN, and LIU HAI PING

9 UNITED STATES DISTRICT COURT
10 FOR THE
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 FRANCISCO CERVANTES, JOSE LOPEZ,
14 RAMON RAMOS and JORGE LOPEZ,

15 Plaintiffs,

16 vs.

17 LIU CHENG, INC., dba MANDARIN
18 GOURMET, SCOTT LIN, CHENG LI CHIN,
19 LIN JEAN and LIU HAI PING,

20 Defendants.
21
22

Case No. C08-03817 JW PVT

**STIPULATION AND ORDER
RE PLAINTIFFS' MOTIONS
TO COMPEL RESPONSES TO
INTERROGATORIES AND
PRODUCTION OF DOCUMENTS,
AND MOTION FOR SANCTIONS**

Judge: Honorable Patricia V. Trumbull

Action Filed: August 11, 2008

Trial Date: March 10, 2009

23 WHEREAS on March 20, 2009, Plaintiffs Francisco Cervantes, José López, Ramón
24 Ramos, and Jorge López (collectively, "Plaintiffs") served upon Defendants Liu Cheng, Inc.,
25 dba Mandarin Gourmet, Scott Lin, Cheng Li Chin, Lin Jean, and Liu Hai Ping (collectively,
26 "Defendants") their First Set of Interrogatories and First Set of Requests for Production of
27 Documents;
28

1 WHEREAS on April 17, 2009, Defendants served upon Plaintiffs their Responses and
2 Objections to Plaintiffs' Interrogatories and Requests for Production of Documents;

3 WHEREAS on August 9, 2009, Plaintiffs filed a Motion to Compel Further Responses to
4 Interrogatories, a Motion to Compel Production of Documents, and a Motion for Sanctions;

5 WHEREAS on August 25, 2009, Defendants filed an Opposition to Plaintiffs' Motions
6 to Compel Responses to Interrogatories and Production of Documents, and accompanying
7 Motion for Sanctions;

8 WHEREAS on September 3, 2009, this Court issued an Interim Order re Plaintiffs'
9 Motions to Compel Production of Documents, Answers to Interrogatories and for Sanctions in
10 which the Court ordered that the hearing on Plaintiffs' Motions to Compel Responses to
11 Interrogatories and Production of Documents would be continued to October 6, 2009, and that
12 the hearing on Plaintiffs' accompanying Motion for Sanctions would be continued to November
13 3, 2009, (*see* Interim Order, Sep. 3, 2009 at 1);

14 WHEREAS in its September 3, 2009 Interim Order, the Court further ordered that the
15 parties "meet and confer *in person* regarding the discovery requests at issue in the motions to
16 compel production of documents and to compel answers to interrogatories," (*id.* at 1);

17 WHEREAS in its September 3, 2009 Interim Order, the Court further ordered that, "no
18 later than September 22, 2009, Defendants shall file a supplemental opposition brief that
19 addresses each and every document request and interrogatory that remains in dispute after the
20 parties' meet and confer," (*id.* at 1-2);

21 WHEREAS in its September 3, 2009 Interim Order, the Court further ordered that, no
22 later than September 29, 2009, the parties shall submit a "protective order to govern the handling
23 of confidential information," and that "[i]n light of this protection, no information relevant to
24 this action may be withheld from discovery solely on grounds of privacy and/or confidentiality,"

1 (*id.* at 2);

2 WHEREAS on September 17, 2009, the parties met and conferred in person regarding all
3 discovery requests at issue in Plaintiffs' Motions to Compel Responses to Interrogatories and
4 Production of Documents;

5
6 WHEREAS on September 21, 2009, the parties met and conferred again regarding the
7 discovery requests at issue in Plaintiffs' Motions to Compel Responses to Interrogatories and
8 Production of Documents;

9 WHEREAS the parties presently appear to have resolved the dispute by agreeing to a
10 timetable for exchange of further discovery to take place by October 16, 2009, to include
11 amendment of various discovery requests and responses;

12 WHEREAS the agreed exchange pertains to a significant amount of new evidence
13 heretofore not identified, reviewed, or exchanged;

14
15 WHEREAS in light of this agreed exchange, Defendants have agreed to presently
16 withhold from filing any further opposition to the pending Motions and Plaintiffs have agreed, in
17 principle, upon satisfaction of their pending discovery requests, that they shall withdraw the
18 pending Motions; and

19 WHEREAS the parties have further agreed that on October 21, 2009, they shall meet and
20 confer once again regarding all outstanding discovery requests and responses at issue.

21
22 THE PARTIES NOW THEREFORE STIPULATE AND AGREE AS FOLLOWS:

- 23 1) The deadline for Defendants to file a supplemental opposition brief that addresses each
24 and every document request and interrogatory that remains in dispute after the parties'
25 October 21, 2009 meet-and-confer shall be extended to and including October 27, 2009;
- 26 2) The deadline for Plaintiffs' reply shall be extended to and including November 3, 2009;
- 27 3) The hearing on Plaintiffs' Motions to Compel Responses to Interrogatories and
28

1 Production of Documents and accompanying Motion for Sanctions shall be continued to
2 November 10, 2009; and

- 3 4) Nothing in this Stipulation shall be construed so as to limit or prejudice any party's rights
4 to make or oppose any motion or application in the future.
5

6
7 Respectfully submitted,

8 DATED: September 22, 2009

Adam Wang
LAW OFFICES OF ADAM WANG

9
10 /s/ Adam Wang
11 Attorneys for Plaintiffs
12 FRANCISCO CERVANTES
13 JOSE LOPEZ
14 RAMON RAMOS
15 JORGE LOPEZ

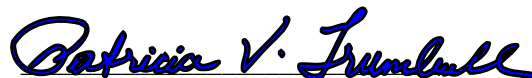
16 DATED: September 22, 2009

D. Austin Hare
NASSIRI & JUNG LLP

17 /s/ D. Austin Hare
18 Attorneys for Defendants
19 LIU CHENG, INC.,
20 dba MANDARIN GOURMET
21 SCOTT LIN
22 CHENG LI CHIN
23 LIN JEAN
24 LIU HAI PING

25 IT IS SO ORDERED.

26 Dated: 10/2/09



PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE